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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

town of Wolfeboro, et al

BASICALLY CASE 449

NOT NOT NOT 21-CV-1081

RESPONSE TO THE  
REPORT AND RECOMMENDATION  
DATED FEB. 28, 2022  
STATING A VOID JUDGMENT IS NEVER FINAL

1. In her Report & Recommendation Magistrate Johnstone named as a defendant in my lawsuit, " JUDGE" Charles Greenhalgn, but I never named a JUDGE as a defendant, I named an individual by the name of Charles Greenhalgn, so I have NO IDEA what Johnsone is talking about, when she gave Greenhalgn, acting as an individual, JUDICIAL IMMUNITY. This is called an ABUSE OF PROCESS, when the Magistrate is setting in motion an unconscionable scheme to dismiss the Plaintiff's meritorious claims. In a matter of an obstruction of justice.

2. Charles Greenhalgn was not acting as a judge, had no jurisdiction to Act, and therefore had no judicial immunity. He knew all along there was no



Assault with Bodily Injury , there was no victim, and he had the duty to dismiss the Complaint. And in not doing so, he violated Due Process. and lost all jurisdiction to hear the case. Where therefore his judgments and decisions were VOID OF NO LEGAL FORCE. bu continuing to hear the case he had no authority to hear.

3. When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid Constitutional rights, he expressly deprives himself of jurisdiction, judicial immunity is lost. Rankin v. Howard, Davis v. Burris 51 Ariz. 220, 75 P.2d 689 (1938). The Illinois Supreme Court held that "if a judge has no jurisdiction, then he and those who advise and act with him, or execute his process, are TRESPASSERS". Von Kettler v. Johnson. Under Federal law the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not avoidable but simply VOID AND FORM no bar to a recovery sought, even PRIOR TO A REVERSAL IN OPPOSITION TO THEM. Judge Greenhalgn was engaged in treason. U.S. v. Will 449 U.S. 200, 216 101 S.C. 471, 66 L.Ed.2d 392, 406 (1980).

4. Void judgments NEVER DIE, "Rulings made in violation of Due Process are VOID. Reid v. Balter (1993) 14 Cal. App.4th 1186. When a judge does not follow the law they are TRESPASSORS OF THE LAW, they lose jurisdiction and his orders are VOID OF HE LEGAL FORCE OR EFFECT. Scheur v. Rhodes (1974).

#### A VOID JUDGMENT IS NEVER FINAL

5. As far as the Belnap Sheriffs dept. is concerned they also violated Due Process, when they KNEW that there was no Assault with Bodily Injury, yet they maliciously prosecuted the Plaintiff for the crime. And in doing so they are accused of



a malicious prosecution, without probable cause, violating the Fourth Amendment for her unlawful detention she had to endure during the trial, for the loss of her liberty, all WITHOUT PROBABLE CAUSE. Fraudulent Concealment, where there are no restrictions under Fraud.

6. Yet with all the exculpatory evidence before the court, the court with flimsy pretexts is trying to dismiss the case.

**A VOID JUDGMENT IS NEVER FINAL**

7. The claims of an unlawful detention, a loss of liberty, a malicious prosecution all without probable cause, in a violation of Due Process, are MERITORIOUS CLAIMS that were never litigated .... ON THE MERITS.

**A VOID JUDGMENT IS NEVER FINAL**

8. Magistrate Johnstone never addressed the evidence In the record where a statement was made by the alleged victim Robert Maloney, who stated very clearly that there was NO INJURY. Judge Johnstone never addressed that the Plaintiff was being prosecuted WITHOUT PROBABLE CAUSE. So how could the case result in a final judgment ON THE MERITS.

9. In the 531 case Judge DiClerico addressed his ruling WITHOUT PREJUDICE, he stated that the Plaintiff was not arrested, seized or taken into custody and therefore there was no fourth amendment claim. He was wrong, as according to the United States Supreme Court in the case of Albright v. Oliver, the court stated that a detention for having to appear in court is a "SEIZURE" under the Fourth Amendment. That there is no requirement to show a favorable outcome in the criminal proceeding except to show an UNLAWFUL UNREASONABLE 'SEIZURE'

10. Therefore this court cannot say that under Res Judicata this ruling by Diclerico was



on the merits. And remember he stated his ruling was WITHOUT PREJUDICE.

**A VOID JUDGMENT IS NEVER FINAL**

11. Therefore, this case will be litigated under a Civil Rights violation, and under an individual named Charles Greenhalgn, who lost all jurisdiction to Act in this case, and as an Individual Greenhalgn has no JUDICIAL IMMUNITY.

**A VOID JUDGMENT IS NEVER FINAL**

12. Therefore under my right to Redress my Grievences in Court, under my right to access the Courts, and under the fact that a VOID JUDGMENT and FRAUD IS NEVER FINAL, the Plaintiff will never stop defending her meritorious claims, and if the judges refuseS her right to a jury trial for the violations of her Civil Rights, the judge will be a TRESPASSOR OF THE LAW, and must step down from this case.

13. Don't anyone dare to threaten me with a restriction to address my meritorious claims, as a VOID JUDGMENT IS NEVER FINAL under the law, and under the First Amendment the court cannot restrict my right to access the courts.

14. Therefore, the Court will litigate and judge:

- (a) the unlawful malicious proecution without probable cause;
- (b) the unlawful detention and violation of her liberty rights;
- (c) the warrant that issued based on fraud;
- (d) a Fourth Amendment unlawful detention without probable cause;
- (e) a violation of Due Process;
- (f) the Sheriff and Greenhalgn knew there was no Assault with Bodily injury;
- (g) Greenhalgn had no jurisdiction to hear the case;
- (h) Greenhalgn's judgments and decisions are VOID OF NO LEGAL FORCE.
- (i) are Meritorious claims for damages under the LAW OF THE LAND.

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(j) Unlawful Acts against an elderly 80 year old person.

15. And allow me a jury trial for damages as mandated under the Federal Constitutional law. Or they are TRESPASSORS of the law.

Respectfully,

Josephine Amatucci

March 8, 2022

c. town of wolfeboro, belnap sheriff's dept.

A handwritten signature in black ink, appearing to read "Josephine Amatucci".

